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HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Concluding Observations of the Human Rights Committee

The former Yugoslav Republic of Macedonia

1. The Committee considered the initial report of the former Yugoslav Republic of Macedonia (CCPR/C/74/Add.4) at its 1685th, 1686th and 1687th meetings, held on 22 and 23 July 1998 (CCPR/C/SR.1685, 1686 and 1687) and adopted the following concluding observations at its 1696th meeting (CCPR/C/SR.1696), held on 29 July 1998.

A. Introduction

2. The Committee expresses its appreciation to the State party for its comprehensive initial report, prepared largely in accordance with the Committee's guidelines. At the same time, it notes that the information provided in the report deals primarily with legal and institutional issues and does not contain sufficient data on the practical application of the Covenant.

B. Factors and difficulties impeding the application of the Covenant

3. The Committee takes note of the statement of the delegation that the principal difficulty in ensuring effective implementation of the Covenant lies in the complex and difficult process of transition from a political and social environment shaped for decades by the concept of collective rights to a respect for the rights of individuals. It also notes that the same tradition

inhibits individuals from impugning State actions through the courts and other agencies established for the purpose, and through the Optional Protocol. Continuing ethnic tensions, particularly concerning the Albanian minority, also remain a matter of major concern.

C. Positive aspects

4. The Committee notes with satisfaction that the Government of the former Yugoslav Republic of Macedonia is attempting to ensure the protection accorded under the Covenant to its population in a period of fundamental change of political and economic systems and a redefinition of State institutions. It observes that the level of that protection has been further reinforced by the ratification of the two Optional Protocols to the Covenant.

5. The Committee welcomes the fact that, by virtue of article 118 of the Constitution, the Covenant is a part of the internal legal order which cannot be changed by domestic legislation, and that its provisions may be directly invoked before the courts.

6. The Committee welcomes the commitment made by the State party to proceed with the reform of the judicial system and of the system of penitentiary institutions.

7. The Committee considers the passage of the Law on the Ombudsman in February 1997 and the subsequent appointment by the Parliament of the Ombudsman as an important element in the building of an effective system of institutional protection of Covenant rights.

8. The Committee commends the State party for the enactment of legislation designed to comply with the anti-discrimination provisions of the Covenant (arts. 2, 20, 26 and 27), including the Act on Public Information, the Act on Telecommunications and the Law on Broadcasting, which prohibit the use of mass media to incite national, racial or religious hatred or intolerance; the Act on Political Parties, which prohibits the establishment of parties whose aim is the incitement to national, racial or religious hatred and intolerance; the Act on Social Organizations and Citizens' Associations, which also prohibits activities that violate human rights or encourage national, racial or religious hatred or intolerance; and the Assembly Declaration of 1997 on the promotion of inter-ethnic relations.

9. The Committee also commends the State party for its cooperation with non-governmental organizations and foundations, including the Macedonia Center for International Cooperation, the Open Society Institute, and women's organizations. It further welcomes the dissemination given to the Covenant and the Optional Protocol in the Macedonian language and in the languages of the ethnic minorities.

D. Principal subjects of concern and the Committee's recommendations

10. The Committee expresses serious concern at ethnic violence involving the police in Gostivar on 7 July 1997, in the course of which three persons lost their lives and hundreds were wounded. It is also concerned at indications

that all fair-trial guarantees were not met in dealing with local officials. The Committee recommends that these events be thoroughly investigated by an independent body, that those found responsible be subjected to appropriate penal or disciplinary sanctions, and that all necessary measures be taken to prevent their recurrence anywhere within the country.

11. The Committee is concerned by reported cases of abuse of police authority, including unlawful arrest and detention, excessive use of force - especially against members of minority groups - and physical ill-treatment of detainees. The Committee recommends that the persons responsible be subjected to appropriate disciplinary or penal sanctions and, further, that the Government strengthen training programmes on human rights for the police and establish permanent mechanisms for ongoing instruction with the participation of international agencies and experts in the field.

12. The Committee also notes with concern the continued application of restrictive legislation inherited from the previous regime in various fields, including concerning the importation of foreign printed materials. The existence and application in practice of such laws may violate the Covenant's provisions and, in more general terms, make the degree of its incorporation into the domestic legal system uncertain. The Committee recommends that the State party ensure that persons under its jurisdiction enjoy the right to seek and impart information, as provided for in article 19 of the Covenant, and repeal any legislation which runs counter to those rights.

13. The Committee considers that the principle of equality between men and women is far from being implemented in practice, particularly in the spheres of employment and education, in spite of progress in some areas such as the judiciary. It takes note of the activities of the Department for the Promotion of Gender Equality and other governmental initiatives to overcome deeply rooted stereotypes and traditions, and recommends that further measures to ensure genuine equality be undertaken without delay.

14. While noting that marital rape has been considered a crime since 1996, the Committee regrets that domestic violence against women is reported to be widespread. It recommends that concerted action be undertaken by all public authorities to reduce the incidence of domestic violence and to strengthen the remedies which are open to women who are subjected to it.

15. The Committee is concerned at the continuation of the practice of forcing citizens to attend so-called "informative talks" in spite of a decision of the Constitutional Court and the enactment of the new Law on Criminal Procedures, both of which provide that police may not compel such attendance without a court order. Such practices and the failure to give full effect to the new Law are incompatible with provisions of article 9 of the Covenant.

16. The Committee notes the increase since 1990 in minority participation in political, administrative, cultural and other institutions, but expresses its concern at the fact that it is still well below a level commensurate with their proportion of the population. The Committee encourages the State party to strengthen its programmes to increase the representation of the Albanian

and other ethnic minorities in public life, including the civil service, army and police. The Roma population are a matter of particular concern. The Committee further recommends that the State party continue to encourage minority participation in the design, organization and functioning of the educational system, in particular at the secondary and higher educational levels, and provide for the training of teachers of minority languages in public establishments.

17. The Committee recommends that the State party disseminate widely the text of its initial report, as well as the present concluding observations. It further requests that its second periodic report, due in June 2000, include material which addresses itself to those observations.